

Remarks

Reconsideration of the Final Office action mailed February 2, 2010 and allowance of the present reissue application are respectfully requested in view of the foregoing amendments and the following remarks. Claims 1-3, 5-11, and 21-22 are pending. In the Final Office action, the Examiner concluded that claims 1-3, 5-11 and 21 were allowable, and that a single, non-prior-art-related technicality resulted in the rejection of claim 22. The Examiner also mentioned certain other technical matters with respect to the specification, and those matters are dealt with below.

First, with respect to technical matters, the Examiner accepted applicant's Reissue Application: Consent of Assignee and Statement Under 37 C.F.R. 3.73(b), but raised an objection to the way applicant submitted amendments to the specification.

Amendments to the Specification

In the above-identified amendments, applicant has added certain descriptive text to the specification. However, no new matter has been added. Applicant also contends that 37 C.F.R. § 1.173(b)(1) provides that applicant can make amendments to the specification other than the claims in the manner it has done above. Applicant's counsel will discuss this issue with the Examiner, and if it is determined that a full copy of the printed patent is necessary, applicant will provide it. Applicant notes however that it provided the original printed patent with the papers we filed March 28, 2003.

Amendments to the Claims

Support for previously filed and approved amendments to the claims are provided in the Support for Claim Changes section above. Applicant notes that its above-identified amendments to the claims are located in the appropriate amendment section, and not in the remarks section. Applicant notes this because the Examiner contended that applicant has been providing claim amendments in the remarks section of its responses. Applicant disagrees with

this contention and does not think that any of its claims amendments of record in this long-time reissue prosecution have ever been provided in the remarks sections of its responses.

Claim Rejection

Claim 22 was rejected under 35 U.S.C. §112, second paragraph, because the Examiner noted that a typographical error existed in the first line of that claim. Specifically, the Examiner noted that the claim recites “body having art open front”. Referring to applicant’s previously filed amendment of November 3, 2009, applicant notes that the pertinent line of claim 22 recites “body having an open front”. In contrast to the statement at p. 4 of the Final Office action, applicant provided an amendment to that claim (and others), and did not only discuss claim 22 (and others) in the Remarks section of that Amendment, which Remarks section began on p. 12. Applicant’s claim amendments and recitations for the claims were on pp. 5-11. In addition, referring to the Amendment filed on Feb. 9, 2009, applicant noted that it also recited the first line of claim 22 in the amendment section of that Amendment with the pertinent and correct phrase “having an open front”. Accordingly, the amended version of claim 22 that is of record does not include the typographical error referred to by the Examiner in the Final Office action. As a result, applicant has overcome the there is also no need for a supplemental Reissue Declaration under 35 U.S.C. § 251.

With respect to applicant’s prior listing of Claim Status, Support for Claim Changes and Amendments, applicant provided each of those items in response to the prior Office action because they were required in that Office action. Applicant provided an Appendix previously because it also thought that the Office action prior to the Final one noted above required it. In this response, applicant is providing the above sections concerning Claim Status, Support for Claim Changes, and Listing of Claims showing amendments. No Appendix is being provided.

Conclusion

Applicant believes no other fees are now due. Applicant has also timely paid the third maintenance fee so that all claims have the appropriate basis for reissue under 35 U.S.C. §251.

Please charge any additional fees required, or credit any overpayments, to our deposit account number 11-1540.

Applicant submits that the present application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

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I hereby certify that this correspondence is being filed electronically via the EFS-Web system at www.uspto.gov on April 3, 2010.

/Mandi M. Leighty/

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